

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:16-CV-141-BR

721 BOURBON, INC.,)
)
Plaintiff,)
)
v.) ORDER
)
BOURBON STREET, LLC, et al.,)
)
Defendants.)

This matter is before the court on defendant Bourbon Street, LLC's motion to dismiss for insufficient service of process.¹ (DE # 16.) Plaintiff filed a response in opposition to the motion, (DE # 21), and Bourbon Street, LLC filed a reply, (DE # 25). Bourbon Street, LLC challenges service that plaintiff effected on it through Kevin Corbett, an individual that it claims "is not, and has never been, a member, manager, officer, registered agent, or authorized agent for [it], and was not authorized to accept service of process in this action on its behalf." (DE # 17.) Plaintiff has since caused summons to Bourbon Street, LLC to be re-issued, (DE # 24), and it appears plaintiff has recently served Bourbon Street, LLC with a copy of the summons and complaint via the North Carolina Secretary of State, (see DE # 28). Accordingly, defendant Bourbon Street, LLC's motion is DENIED WITHOUT PREJUDICE to challenge service most recently effected.

This 6 October 2016.



W. Earl Britt
Senior U.S. District Judge

¹ Defendant Nicole S. McNeil joined in the motion. However, she has been voluntarily dismissed from this action. (See DE # 26.)